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7  
8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2012-69

13 **AGNES PERALTA CORPUS**  
1129 Regatta Point  
Hercules, CA 94547

**A C C U S A T I O N**

14 Registered Nurse License No. RN 450315

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing (Board),  
21 Department of Consumer Affairs.

22 2. On or about March 31, 1990, the Board issued Registered Nurse License Number RN  
23 450315 to Agnes Peralta Corpus (Respondent). The license was in full force and effect at all  
24 times relevant to the charges brought herein and will expire on July 31, 2013, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following  
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
28 indicated.

1       4.     Code section 2750 provides, in pertinent part, that the Board may discipline any  
2 licensee, including a licensee holding a temporary or an inactive license, for any reason provided  
3 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4       5.     Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
5 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
6 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board  
7 may renew an expired license at any time within eight years after the expiration.

8       6.     Code section 2725, states, in pertinent part:

9       "(a) In amending this section at the 1973-74 session, the Legislature recognizes that  
10 nursing is a dynamic field, the practice of which is continually evolving to include more  
11 sophisticated patient care activities. It is the intent of the Legislature in amending this section . . .  
12 to provide clear legal authority for functions and procedures that have common acceptance and  
13 usage. It is the legislative intent also to recognize the existence of overlapping functions between  
14 physicians and registered nurses and to permit additional sharing of functions within organized  
15 health care systems that provide for collaboration between physicians and registered nurses. . . "

16       "(b) The practice of nursing within the meaning of this chapter means those functions,  
17 including basic health care, that help people cope with difficulties in daily living that are  
18 associated with their actual or potential health or illness problems or the treatment thereof, and  
19 that require a substantial amount of scientific knowledge or technical skill, including all of the  
20 following:

21       "(2) Direct and indirect patient care services, including, but not limited to, the  
22 administration of medications and therapeutic agents, necessary to implement a treatment, disease  
23 prevention, or rehabilitative regimen ordered by and within the scope of licensure of a physician,  
24 dentist, podiatrist, or clinical psychologist, as defined by Section 1316.5 of the Health and Safety  
25 Code."

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1           7.     Code section 2761, subdivision (a), authorizes the Board to take disciplinary action  
2 against a licensed nurse for any of the following:

3           "(a) Unprofessional conduct, which includes, but is not limited to, the following:

4           "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing  
5 functions. . ."

6           8.     California Code of Regulations, title 16, section 1442, states:

7           "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from  
8 the standard of care which, under similar circumstances, would have ordinarily been exercised by  
9 a competent registered nurse. Such an extreme departure means the repeated failure to provide  
10 nursing care as required or failure to provide care or to exercise ordinary precaution in a single  
11 situation which the nurse knew, or should have known, could have jeopardized the client's health  
12 or life."

13          9.     California Code of Regulations, title 16, section 1443.5 states:

14          "A registered nurse shall be considered to be competent when he/she consistently  
15 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
16 sciences in applying the nursing process, as follows:

17          "(1) Formulates a nursing diagnosis through observation of the client's physical condition  
18 and behavior, and through interpretation of information obtained from the client and others,  
19 including the health team.

20          "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and  
21 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and  
22 for disease prevention and restorative measures.

23          "(3) Performs skills essential to the kind of nursing action to be taken, explains the health  
24 treatment to the client and family and teaches the client and family how to care for the client's  
25 health needs.

26          "(4) Delegates tasks to subordinates based on the legal scopes of practice of the  
27 subordinates and on the preparation and capability needed in the tasks to be delegated, and  
28 effectively supervises nursing care being given by subordinates.

"(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

"(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

## COSTS

10. Code section **125.3** provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

11. Respondent is subject to disciplinary action under Code section 2761, subsection (a), for unprofessional conduct in that she took and transmitted a physician's order for the administration of a patient's oxygen from a social worker. The circumstances are as follows:

12. On or around August 21, 2009, Respondent was employed and working as a charge nurse at Doctors Medical Center (DMC), a full-service, acute care hospital in San Pablo, California. Respondent was supervising registered nurse SB, who was assigned as the direct care nurse for a patient being readied for discharge to hospice care. The patient's physician ordered the patient's oxygen reduced from 15 to 5 liters. A licensed clinical social worker took the physician's order and entered it in the patient's chart. Respondent learned of the order from the social worker and verbally conveyed the order to direct care nurse SB, who implemented the order. The patient died at DMC shortly thereafter.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number RN 450315, issued to  
5 Agnes Peralta Corpus;

6 2. Ordering Agnes Peralta Corpus to pay the Board of Registered Nursing the  
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
8 Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

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11 DATED: July 28, 2011

Louise R. Bailey  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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